

Message Text

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PAGE 01 BERLIN 06127 01 OF 03 231713Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 IO-13 ACDA-07
EURE-00 TRSE-00 CU-02 DHA-02 SCA-01 EB-07 COME-00
OES-07 STR-04 ORM-02 VO-03 /100 W
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O R 231540Z MAY 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC IMMEDIATE 4863
INFO AMEMBASSY BELGRADE
AMEMBASSY BONN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY PRAGUE
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C O N F I D E N T I A L SECTION 1 OF 3 BERLIN 6127

LONDON FOR WOESSNER

E.O.11652: GDS
TAGS: PFOR, CSCE,GE, US
SUBJECT: GDR AIDE MEMOIRE ON US-GDR RELATIONS: EMBASSY COMMENTS.

REF: BERLIN 6044; BERLIN 6040; BERLIN 6051, BERLIN 5023.

SUMMARY: IN MANY WAYS TENDENTIOUS AND DISINGENUOUS, THE
"NON-PAPER" AIDE MEMOIRE GDR FOREIGN MINISTER FISCHER HANDED
THE CHARGE MAY 12 IS (1) A RESPONSE TO OUR JANUARY 3 APPROACH
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PAGE 02 BERLIN 06127 01 OF 03 231713Z

ON CSCE IMPLEMENTATION AND (2) AN ATTEMPT TO RAISE US-GDR
RELATIONS TO A HIGHER, MOR ACTIVE AND VISIBLE LEVEL. THE
PAPER, HOWEVER, CONTAINS NOTHING SIGNIFICANTLY NEW. WE THINK
WE SHOULD RESPOND ORALLY FAIRLY SOON, SEEKING TO ENGAGE
THE GDR ON ITEMS OF INTEREST TO USWHILE REFUTING
SOME OF THEIR MORE EGREGIOUS ASSERTIONS ABOUT OUR
ALLEGED DISCRIMINATIONOR POOR PERFORMANCE. PROSPECTS

LOOK MOST PROMISING IN THE CULTURAL AREA; AND WE SEE NO REASON TO GIVE THE EAST GERMANS WHAT THEY APPEAR TO WANT MOST, I.E. REGULAR HIGH-LEVEL POLITICAL CONSULTATIONS. WE REQUEST AUTHORIZATION TO INFORM OUR FRENCH, UK AND FRG COLLEAGUES OF THE GENERAL NATURE OF THE GDR PAPER, NOTING IT IS STILL UNDER STUDY BY THE DEPARTMENT. END SUMMARY.

1. THERE IS NOTHING SIGNIFICANTLY NEW IN THE MAY 12 NON-PAPER IN TERMS OF WHAT THE EAST GERMANS HAVE BEEN SAYING IN ONE WAY OR ANOTHER ON THE GENERAL STATE OF US-GDR RELATIONS OR IN TERMS OF SPECIFIC ISSUES. IT IS, HOWEVER, INTENDED TO BE MORE THAN A RESPONSE TO OUR JANUARY 3 APPROACH TO THE MFA (BERLIN 5023) ON WHAT BOTH COUNTRIES COULD DO IN THEIR BILATERAL RELATIONS TO IMPLEMENT PROVISIONS OF THE HELSINKI FINAL ACT. IT SEEKS TO TAKE THE INITIATIVE IN RAISING THE LEVEL AND SCOPE OF OUR RELATIONS. THE EAST GERMANS PRESENTED IT NOW IN ORDER TO BE ABLE TO "DEMONSTRATE" THAT THEY ARE ENGAGED IN DISCUSSIONS WITH US BEFORE BELGRADE ON IMPLEMENTING THE FINAL ACT. THEY MAY HAVE WAITED UNTIL NOW IN ORDER TO CLAIM THAT ALL HUMANTARIAN CASES ARE RESOLVED. WHILE BELGRADE IS ONE REASON FOR THE NON-PAPER, ANOTHER REASON, IN OUR VIEW, RELATES TO THE CONTINUING EAST GERMAN EFFORT TO UPGRADE AND EXPAND ITS RELATIONS WITH WESTERN COUNTRIES AS PART OF ITS CAMPAIGN TO ASSERT ITS SOVEREIGNTY AND ITS SEPARATION FROM THE FRG. PRESENTATION NOW OF THE PAPER, MAY ALSO HAVE BEEN CONNECTED WITH A (VAIN) GDR HOPE THAT IT MIGHT

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PAGE 03 BERLIN 06127 01 OF 03 231713Z

HAVE FACILITATED A MEETING BETWEEN FISCHER AND THE SECRETARY AT GENEVA IN CONNECTION WITH THE ENMOD TREATY SIGNING.

2. THE PAPER IS IN MANY WAYS TENDENTIOUS AND DISINGENUOUS, AND INDICATIVE OF THE APPROACH THE GDR WILL USE AT BELGRADE IF CHALLENGED THAT IT IS NOT COMPLYING WITH PROVISIONS OF THE FINAL ACT. IT IN EFFECT ACCUSES THE US NOT ONLY OF DRAGGING ITS FEET ON CSCE IMPLEMENTATION, BUT ALSO OF GOING BACK ON ITS WORD. IT THUS SEEKS TO PUT US ON THE DEFENSIVE AND TO SET OUT THE GDR'S TERMS FOR BETTER RELATIONS. ALTHOUGH TENDENTIOUS, WE THINK THE PAPER PROVIDES A VEHICLE FOR GOING BACK TO THE EAST GERMANS TO ENGAGE THEM IN DISCUSSION ON ITEMS OF INTEREST TO US, WHILE REFUTING SOME OF THE GDR CONTENTIONS ABOUT OUR ALLEGED POOR PERFORMANCE AND IGNORING OTHERS AS NOT WORTHY OF REPLY.

CONFIDENTIAL

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PAGE 01 BERLIN 06127 02 OF 03 231731Z
ACTION EUR-12

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L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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O R 231540Z MAY 77
FM AMEMBASSY BERLIN
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C O N F I D E N T I A L SECTION 2 OF 3 BERLIN 6127

LONDON FOR WOESSNER

3. TAKING UP THE ITEMS IN THE SEQUENCE PRESENTED IN
THE NON-PAPER, IT IS OBVIOUS THE DR PLACES GREAT
STORE IN BEING ABLE TO ESTABLISH HIGH-LEVEL CONSULTA-
TION MEETINGS, ON A REGULAR BASIS(FISCHER LEANED
FORWARD AND LISTENED INTENTLY AS CHARGE BEGAN HIS REMARKS
ON A POSSIBLE SECRETARY-FISCHER MEETING DURING THE UNGA,
AND THEN SANK BACK INTO HIS CHAIR WHEN HE HEARD THE
REST OF THE REMARK ON THIS SUBJECT). HIGH-LEVEL
CONSULTATIONS WOULD REPRESENT A CONSIDERABLE POLITICAL
CONFIDENTIAL

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PAGE 02 BERLIN 06127 02 OF 03 231731Z

BREAKTHROUGH FOR THEM. IN TERMS OF THE CURRENT STATE OF

OUR RELATIONS, AND THE CONTINUING EAST GERMAN ASPIRATIONS TO HAVE EAST BERLIN RECOGNIZED AS THE CAPITAL OF THE GDR, THE EMBASSY SEES NO REASON TO ENCOURAGE THE EAST GERMANS TO THINK WE ARE PREPARED TO ACCEPT THE IDEA OF HIGH-LEVEL, REGULAR CONSULTATIONS, OR EVEN A DEPUTY FOREIGN MINISTER VISIT TO THE US IN THE IMMEDIATE FUTURE.

4. WE THINK A RESPONSE ON THIS PART OF THE PAPER SHOULD MERELY NOTE THAT FISCHER'S SUGGESTION TO MEET THE SECRETARY THIS FALL REMAINS UNDER CONSIDERATION AND THAT IT WOULD BE INAPPROPRIATE NOW TO TALK ABOUT REGULAR, HIGH-LEVEL CONSULTATIONS. WHILE EAST GERMAN INTEREST IN HIGH-LEVEL TALKS IS QUITE INTENSE, IT IS HARD FOR US TO CONCEIVE OF WHAT THEY WOULD BE WILLING TO PAY IN TERMS OF OUR INTERESTS THAT WOULD MAKE IT WORTHWHILE TO ENGAGE IN REGULAR HIGH-LEVEL CONSULTATIONS. SUCH CONSULTATIONS WOULD ALSO APPEAR TO BE INCONSISTENT WITH THE POSITION WE HAVE TAKEN WITH THE BRITISH AND THE FRENCH ABOUT THE DESIRABILITY OF POLITICAL-LEVEL TALKS WITH THE GDR IN LIGHT OF THEIR RECENT BERLIN MOVES.

5. ON CONGRESSIONAL VISITS, WE SHOULD MERELY POINT OUT THAT THIS IS A MATTER FOR CONGRESS ITSELF TO DETERMINE.

6. ON STRENGTHENING TREATY(VERTRAGLICH) RELATIONS, WE SHOULD NOT OUR CONTINUING INTEREST IN ARRIVING AT A CONSULAR CONVENTION SATISFACTORY TO BOTH SIDES. WHILE WE HAVE NO EVIDENCE FOR IT, IT MAY BE THAT OUR FREQUENT REFERENCES TO OUR STRONG INTEREST IN A CONSULAR CONVENTION, IN PART AS A RESULT OF CONGRESSIONAL PRESSURES, MAY HAVE LED THE EAST GERMANS TO THINK WE WOULD BE WILLING TO COMPROMISE ON THE NATIONALITY QUESTION IF HE GDR WAITED LONG ENOUGH. THEREFORE, WE THINK WE SHOULD EXPRESS OUR CONTINUING INTEREST, WITHOUT MENTIONING THE CONFIDENTIAL

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PAGE 03 BERLIN 06127 02 OF 03 231731Z

CONGRESSIONAL ANGLE, NOTING MERELY THAT WE ARE AWAITING A RESPONSE TO OUR DRAFT. ON THE PARCEL POST AGREEMENT, IT IS OUR UNDERSTANDING THAT THE REMAINING HURDLES HAVE BEEN OVERCOME; IF SO, WE SEE NO REASONS NOT TO MOVE AHEAD WITH ITS FORMAL COMPLETION, IN A LOW-KEY. ON A MARITIME AGREEMENT, WE SHOULD REITERATE TO EAST GERMANS OUR VIEW THAT, IN GENERAL, BILATERAL AGREEMENTS ARE NOT PART OF THE OVERALL MARITIME POLICY OF THE US.

7. ON ECONOMIC/COMMERCIAL MATTERS, WE BELIEVE WE SHOULD TELL THE EAST GERMANS WE ARE INTERESTED IN TAKING PRACTICAL STEPS TO EXPAND TRADE. ONE SUCH STEP, WOULD BE THE SYSTEMATIC PROVISION BY THE GDR OF INFOR-

MATIONS ABOUT COMMERCIAL OPPORTUNITIES, AND AN IMPROVE-
MENT OF THE MECHANISM UNDER WHICH US FIRMS ARE ABLE
TO RESPOND TO SUCH OPPORTUNITIES WITH SALES PRESENTA-
TIONS. IN RESPECT TO THE GDR'S TRADE AGREEMENT/DECLAR-
ATION, PROPOSAL, WE WOULD SAY WE DO NOT CONSIDER THAT AN
INTERGOVERNMENTAL AGREEMENT ON ECONOMIC AND TRADE
MATTERS WOULD CONTRIBUTE CONCRETELY TO THE DEVELOPMENT
OF TRADE, WHICH ON OUR SIDE IS CONDUCTED BY INDIVIDUAL
FIRMS PURSUING INTERESTS OF THEIR OWN. IN RESPECT TO
SCIENTIFIC AND TECHNICAL COOPERATION, WE WOULD REPEAT
THE PROPOSALS WE MADE IN OUR JANUARY PRESENTATION,
NOTING THAT THE NON-PAPER IS SILENT ON THESE IDEAS,
AND WE WOULD REITERATE OUR INTEREST IN BETTER ECONOMIC
AND TRADE DATA FROM THE GDR.

8. ON MFN WE SHOULD POINT OUT THAT THE FINAL ACT
DOES NOT OBLIGATE COUNTRIES TO GRANT MFN AND THAT WE
BELIEVE THAT THE GDR UNDERSTANDS THE LEGISLATIVE
FRAMEWORK THAT GOVERNS MFN AT PRESENT.

9. ON TRADE OFFICES WE SHOULD TELL THE GDR THAT WE
CONTINUE TO CONSIDER CONCLUSION OF A CONSULAR CONVEN-
TION A PREREQUISITE TO ANY SUBSTANTIAL EXPANSION OF
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CONFIDENTIAL

PAGE 04 BERLIN 06127 02 OF 03 231731Z

THE GDR'S TRADE PRESENCE IN THE US. MOREOVER, WE SHOULD
URGE THE GDR TO THINK NOT IN TERMS OF A TRADE OFFICE
ENJOYING PRIVILEGES OR IMMUNITIES, BUT OF FTO OFFICES
SUBJECT TO US LAW AND REGULATIONS.

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CONFIDENTIAL

PAGE 01 BERLIN 06127 03 OF 03 231758Z
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C O N F I D E N T I A L SECTION 3 OF 3 BERLIN 6127

LONDON FOR WOESSNER

10. WHILE THE CULTURE/INFORMATION SECTIONS OF THE
NON-PAPER ARE IN LARGE PART TENDENTIOUS, WE BELIEVE OUR
RESPONSE SHOULD BE (1) TO WELCOME THOSE SUGGESTIONS
WHERE INCREASED EXCHANGES MAY BE POSSIBLE, AND (2) TO
DEFINE CLEARLY WHAT THE USG, AS OPPOSED TO THE PRIVATE
SECTOR, IS PREPARED TO DO TO FACILITATE A GREATER
UNDERSTANDING BETWEEN THE PEOPLES OF TH GDR AND THE
USA. WE SHOULD ALS NOTE WHAT WE HAVE LAREADY DONE OR
FACILITATED(E.G., PRESENTATION OF BOOKS TO HUMBOLDT
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PAGE 02 BERLIN 06127 03 OF 03 231758Z

UNIVERSITY, ACQUIRED AT THEIR REQUEST THE INDUSTRIAL
DESIGN EXHIBIT, GDR PARCIPATION IN L.A. CHILDREN'S
FILM FESTIVAL. DRESDEN ART EXHIBITION, LEIPZIG GEWAND-
HAUS ORCHESTRA TOUR OF US) WHILE AT THE SAME TIME
INDICATING THOSE AREAS WHICH APPEAR TO BE "NON-STARTERS".
WE SHOULD STATE CLEARLY FOR EXAMPLE, THAT THE ABILITY
OF THE GDR TO ATTRACT HIGH-QUALITY AMERICAN PERFORMERS
ON A COMMERCIAL BASIS IS DEPENDENT ON THEIR WILLINGNESS
TO MEET ARTISTS' FEES, AND THAT THEIR ABILITY TO ENTER
THE US MARKET IN FILMS, TV, BOOKS, ETC. IS DEPENDENT
ON PROVIDING WORKS OF INTEREST THAT CAN COMPETE
WITH OFFERINGS FROM OTHE PARTS OF THE WORLD. WE SEE
LITTLE PURPOSE IN SIGNING ANY STATEMENT ABOUT SUPPORT-
ING " POSSIBLE EQUIVALENCE", BECAUSE OF THE DIFFERENCES
IN THE TWO SYSTEMS. ATTHE SAME TIME, WE SOULD EXPRESS
OUR SUPPORT FOR SUCH ENDEAVORS AS RECIPROCAL FILM WEEKS,
ACADEMIC EXCHANGES, SEMINARS, EXHIBITS, IREX.

11. WE RECOMMEND AS WELL THAT GDR RESTRICTIONS
PLACED ON US THROUGH ITS PRESS LAW WHICH PROHIBITS

THE DIRECT MAILING OF PRINTED MATERIALS IS NOT AT ALL IN KEEPING WITH THE UNDERSTANDING REACHED AT HELSINKI AND CONTRARY TO THE PRACTICE OF OUR EMBASSIES IN EVERY OTHER EAST EUROPE COUNTRY WITH WHICH WE HAVE NORMAL DIPLOMATIC RELATIONS.

12. ON HUMANITARIAN MATTERS, THE NON-PAPER ASSERTS, AS WAS TO BE EXPECTED, THAT CASES ARE " SUBJECT TO THE SOVEREIGN DECISIONS OF THE CONCERNED STATES". IT ALSO IMPLIES THAT ALL CASES HAVE BEEN RESOLVED, AND DOES NOT LOOK TO THE FUTURE. SINCE HUMANITARIAN CASES (INCLUDING EMERGENCY FAMILY VISITATIONS - WHICH THE PAPER DOES NOT TREAT) ARE LIKELY TO BE A REGULAR PART OF OUR BILATERAL RELATIONS, WE THINK OUR APPROACH TO THEM EAST GERMANS SHOULD BE AIMED AT ESTABLISHING A PRINCIPLE THAT THE US HAS THE CONSTITUTIONAL DUTY TO CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERLIN 06127 03 OF 03 231758Z

ACT ON BEHALF OF PERSONS WHO ARE US CITIZENS UNDER US LAW AND THAT WE RESERVE THE RIGHT TO MAKE OUR VIEWS KNOWN IN CASES OF THOSE GDR RESIDENTS, WITH RELATIVES IN THE US, WHO HAVE REQUESTED OUR ASSISTANCE, INCLUDING CASES OF TEMPORARY FAMILY REUNIFICATION IN THE US. AN INTEGRAL PART OF THE APPROACH SHOULD BE THE MAINTENANCE OF A REGULAR PROCEDURE FOR DEALING EXPEDITIOUSLY ON SUCH CASES WITH THE MFA. WE SHOULD AT THE SAME TIME EXPRESS APPRECIATION FOR THE PROGRESS MADE TO DATE IN RESOLVING CASES, NOTING THAT, IN OUR VIEW, THE REGULAR PRESENTATION OF LISTS HAS FACILITATED MATTERS. WE SHOULD ALSO MAKE THE POINT THAT DISCUSSING HUMANITARIAN CASES WITH THE GDR IS, WE BELIEVE, CLEARLY ENVISAGED IN THE HELSINKI FINAL ACT.

13. ON THE MATTER OF FACILITATING VISA ISSUANCE AND SIMPLIFYING VISA FORMS, OUR RECORD IS GOOD. WE SHOULD POINT OUT TO THE EAST GERMAN THAT WE USUALLY ISSUE VISAS PROMPTLY, IN ACCORDANCE WITH US LAW, WITHIN 10 WORKING DAYS. ON THE SUBJECT OF " DISCRIMINATION" AND SIMPLIFICATION OF FORMS, WE SHOULD POINT OUT THERE IS NO DISCRIMINATION AGAINST EAST GERMANS, THAT WE ARE APPLYING US LEGISLATION VALID FOR ALL VISITORS TO THE US. THE DEPARTMENT MAY WISH TO GIVE CONSIDERATION TO THE IDEA OF AN AGREEMENT OR UNDERSTANDING WITH THE GDR THAT BOTH SIDES UNDERTAKE TO ISSUE VISAS FOR OFFICIAL VISITORS WITHIN A PRESCRIBED PERIOD , FOR EXAMPLE 3-5 WORKING DAYS.

14. ON ACCREDITATION OF JOURNALISTS AND VISAS FOR THEM, WE SHOULD NOT THAT THE US HAS ACCREDITED MORE GDR JOURNALISTS THAN THEY HAVE US JOURNALISTS.

FURTHERMORE, WE FIND THE GDR PRACTICE OF DISCRIMINATION
IN MATERS OF ACCREDITATION AGAINST US JOURNALISTS
BECAUSE OF THEIR PLACE OF RESIDENCE INCONSISTENT WITH
THE FINAL ACT. WE WOULD NOTE THAT WHEN THE GDR IS
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PAGE 04 BERLIN 06127 03 OF 03 231758Z

PREPARED TO TAKE A MORE REASONABLE POSITION ON THE
MATTER OF ACCREDITATION, WE WOULD THEN BE PREPARED TO
DISCUSS RECIPROCAL GRANTING OF MULTIPLE ENTRY/EXIT
VISAS FOR PERIODS OF A YEAR.

15. FOREGOING REPRESENTS EMBASSY'S COMMENTS ON
NON-PAPER AND POSSIBLE APPROACHES WE COULD USE IN REPLY
TO GDR. WE ARE OF THE VIEW THAT IT WOULD BE USEFUL TO
REPLY TO THE GDR, ORALLY, BEFORE BELGRADE BEGINS IF
POSSIBLE. EMBASSY WOULD APPRECIATE DEPARTMENT'S VIEWS
AT ITS EARLY CONVENIENCE.

16. WE BELIEVE IT WOULD BE WORTHWHILE TO INFORM OUR
UK, FRG AND FRENCH COLLEAGUES HERE OF THE LEVEL AND
GENERAL NATURE OF THE GDR NON-PAPER APPROACH. DEPART-
MENT WILL RECALL THAT WE INFORMED ALLIES OF OUR INITIAL
APPROACH IN JANUARY. OUR PURPOSE IN DOING SO NOW
WOULD BE TO ENCOURGE GREATER EXCHANGE OF INFO ON OUR
RESPECTIVE DEALINGS WITH GDR AND TO LEARN WHETHER GDR
HAS MADE COMPARABLE APPROACHES TO THEM. EMBASSY
REQUESTS DEPARTMENTAL APPROVAL TO INFORM ALLIES HERE
NEXT WEEK.
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